

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

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DAVIS INTERNATIONAL, LLC, HOLDEX, :  
LLC, FOSTON MANAGEMENT, LTD., and :  
OMNI TRUSTHOUSE, LTD., : Case No. 04-1482-GMS  
  
Plaintiffs, :  
  
v. :  
  
NEW START GROUP CORP., VENITOM :  
CORP., PAN-AMERICAN CORP., MDM :  
BANK, URAL-GORNO METALURAGICAL: :  
COMPANY, EVRAZ HOLDING, MIKHAIL :  
CHERNOI, OLEG DERIPASKA, ARNOLD :  
KISLIN, MIKHAIL NEKRICH and :  
ISKANDER MAKMUDOV, :  
  
Defendants. :  
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**DECLARATION OF BRIAN E. MAAS**

BRIAN E. MAAS, declares as follows:

1. I am a member of the Bar of the State of New York and of the law firm of Frankfurt Kurnit Klein & Selz, P.C., counsel for Defendant Mikhail Chernoi. I submit this Declaration in support of the Defendant's motions to dismiss the Complaint. Mr. Chernoi joins in those motions.

2. In connection with the motion to dismiss on *forum non conveniens* grounds, and as a condition to dismissal on such grounds, Mr. Chernoi hereby agrees:

- (a) to consent to the jurisdiction of the Russian courts in any action filed by Plaintiffs alleging the same or similar claims asserted in the Complaint;
- (b) to produce any relevant documents or witnesses in Russia;
- (c) to consent to any venue in Russia that may be selected by Plaintiffs; and

(d) to waive any defense based on any statute of limitations which may have expired after the filling of the Complaint herein (November 4, 2004) until 90 days after judgment in this case becomes final.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 10, 2005.



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Brian E. Maas